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BOARD OF REGISTRATION IN PHARMACY

DIVISION OF REGISTRATION

EXECUTIVE OFFICE OF CONSUMER AFFAIRS

ANNUAL REPORT FOR FISCAL YEAR

ENDING JUNE 30, 1981

(in accordance with G.L. c. 112 - s. 25)

Submitted By:

Eleanor M. Wernig - President

Romulus L. DeNicola, Pharm.D. - Executive Secretary

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APPROVED by; JOHN J. MANTON, State Purchasing Agent

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The Board, Its Function and Composition

The Board of Registration in Pharmacy dates back to 1885, twenty-one years before President Theodore Roosevelt signed into law The Federal Food, Drug and Cosmetic Act.

It represents one of the first consumer protective agencies established to elevate the standards of practice and to protect the consumer against acts of deceit, malpractice, substitution of drugs, the illegal use of counterfeit drugs and gross misconduct in the practice of the profession.

The Board represents a State Administrative Agency with quasi-judicial authority which implements and maintains the organization, standards and procedures with respect to the professional conduct and practices of pharmacies, pharmacists and wholesale druggists for the protection of the health, safety and welfare of the citizens of the Commonwealth.

In order to safeguard the interests of the general public, The Board individually and cooperatively with other state and federal agencies, monitors and enforces relevant federal and state statutory and regulatory provisions to insure quality standards of pharmacy education, training and practice.

The Board has suspension and revocation powers authorized by law. After a hearing The Board may suspend or revoke a license or registration for cause. The Board may suspend the certificate of registration of a pharmacist if in its judgement, the person is a menace to the public by reason of improper use of intoxicating liquor or drugs. The Board may suspend or revoke a certificate, license or registration if it appears to The Board that the holder thereof is insane, guilty of deceit, malpractice, gross misconduct in the practice of the profession, or any offence against The Code of Professional Conduct or Pharmacy Laws.

Under provisions of the Massachusetts Controlled Substances Act, The Board may suspend a permit without a prior hearing and the registration of the pharmacy if in the opinion of The Board there is "imminent danger" to the public health and safety; provided however, that a prompt hearing is forthcoming. The suspension continues until the conclusion of the proceedings, including judicial review, or unless there is a court order by a court of competent jurisdiction. These type of cases usually deal with illegal distribution of controlled substances which have a high potential for abuse. Illegal sale of controlled substances, drug diversion are high in the priority list of The Board's functions in the area of enforcement. No one questions the fact that drug misuse and abuse are deleterious to society and an erosion of human dignity.

We can agree that regulatory agencies should be responsive to the needs and problems of the licensees, but should have as a primary concern, the regulation of these licensees to serve the interest and welfare of the public. Boards were not intended to become protective agencies serving professional members rather than the public, and The Board of Pharmacy is no exception.

The Board's most important function is to respond effectively to the unlawful or unethical activity of the licensees as soon as possible after notification. The Board must be able to take immediate action against licensees who are proven offenders without relying upon the criminal courts where prosecution may be delayed for years.

The removal of the practitioner or professional from the environment which was responsible for his or hers unlawful act is essential to serve the interests of the public and to deter further drug diversion.

Consumer complaints are received by direct communication with the consumer, through The Office of Consumer Affairs; local consumer Councils, The Office of Consumer Protection of the Attorney General; local law enforcement agencies, etc. In most cases, consumer complaints are based on price differentials. However, some serious complaints are derived from consumers also, such as errors in dispensing and drug diversion by illegal refilling of prescriptions or illegal distribution.

The Board is composed of five members appointed by the Governor. Each serves a five (5) year term. Each year, one of the member's term expires on November 31, and he/she may be appointed as of December 1 or replaced by a new member. Four (4) of the Board members are registered pharmacists. Three (3) of these pharmacists represent retail pharmacies. One (1) of these pharmacists represents the hospital pharmacies and the fifth (5) member is a public member representing the consumer.

The Executive Secretary is subject to Civil Service and appointed by The Board.

The statute provides for six (6) agents to be assigned to the Board for routine inspections and investigation of licensees. However, The Board is funded for only four (4) agents. Agents are also subject to Civil Service and appointed by The Board. Agents are required to be registered pharmacists licensed to practice in the Commonwealth.

The Board agents may inspect drugstores and other places of business wherein drugs, medicinals and medical supplies are sold or distributed. Among the duties of the agents are the following: routine inspections, monitoring of foreclosures, receiverships, bankruptcies, fire and flood affecting the premises of licensees, conducting inventories and accountability of controlled substances of licensees, maintenance and enforcement of specific standards for all controlled substances by registrants, resolving consumer complaints, special investigations dealing with drug diversion, illegal dispensing, monitoring compliance with the Massachusetts Formulary Law, etc.

It is extremely difficult to cope with the increased activity by relying upon four (4) agents. The Board is in dire need of the two (2) additional agents authorized by law to carry on its duties and discharge its responsibilities.

The clerical staff consisted to three (3) persons; a Principal Clerk and a Senior Clerk Typist and a Junior Clerk. The staff must be highly commended for attempting to achieve the impossible with the insurmountable workload which confronts the office. They are to be complemented for the workload disposed under limited resources and adverse conditions.

The Board is a member of The National Association of Boards of Pharmacy (NABP). NABP issues periodically a newsletter with important information for Board use. The publication relates to legal case decisions of the courts, rules and regulations and laws of other states, a roster of personnel of allied agencies, etc.

The National Association of Boards of Pharmacy also makes available on a yearly basis licensure requirements for all reciprocal states, forty-seven (47) in all. NABP is the vehicle for reciprocities between states. The National Association also provided for courses in Pharmacy Law and Law Enforcement at no expense to the agents or members of the Board. This is a very desirable experience. The courses are often given in conjunction with personnel of the federal agencies. The Association serves as a "pulse" for National Pharmaceutical Standards. Regional meetings and National meetings are held periodically and the material and programs are a source of education.

<u>BOARD MEMBERS</u>	<u>DATE OF APPOINTMENT</u>	<u>TERM EXPIRES</u>
James P. Harb - (New Bedford)	February 20, 1980	November 30, 1984
Charles F. Monahan - (Worcester)	May 10, 1978	November 30, 1982
Edward B. Nassif - (North Adams)	March 12, 1974	
(Reappointed) -	December 29, 1978	November 30, 1983
*John E. Stallworth - (Osterville)	June 16, 1975	November 30, 1980
Eleanor M. Wernig, President - (Middleton)	June 29, 1977	November 30, 1981
*Hold-Over		

EXECUTIVE SECRETARY

Romulus L. DeNicola, Pharm.D. - (South Braintree)

BOARD AGENTS

Joseph T. LaBelle - (Springfield)
Louis R. Pacifico - (Arlington)
Harold T. Partamian - (Arlington)
Z. Robert Surabian - (Arlington)

OFFICE STAFF

Lena L. Gulla - Senior Clerk-Typist
Kathleen A. Pemberton - Principal Clerk
Mary I. Timmins - Junior Clerk

STATUTORY REFERENCES

1. Statutory authorization for Board of Registration in Pharmacy, Sections 22 to 25 of Chapter 13 of the General Laws, as amended.
2. Powers and duties of The Board, Sections 24 to 42A of Chapter 112, General Laws, as amended, and section 4, 6 - Chapter 94C, General Laws.
3. Fees authorized, Sections 24, 24A, 36B, 39 and 88 of Chapter 112, General Laws, as amended; and Section 7 of Chapter 94C, General Laws as amended.
4. General provisions of law, Sections 61 - 65 of Chapter 112, General Laws, as amended; relative to the Boards of Registration in Pharmacy, Medicine, Veterinary Medicine and the Board of Dental Examiners.
5. Annual Report required, Section 25 of Chapter 112, General Laws, as amended.

EDUCATION - EXAMINATIONS - RECIPROCITY

The Board has adopted The American Council on Pharmaceutical Education (ACPE) as the accrediting agency for undergraduate professional education. The ACPE is the only accrediting agency in pharmacy. It is an autonomous agency whose membership is derived through The American Association of Colleges of Pharmacy (AACCP), The American Pharmaceutical Association (APhA) The National Association of Boards of Pharmacy (NABP) and The American Council in Pharmaceutical Education (ACPE). In addition, a panel consisting of public representatives, serves in an advisory capacity to the Council and provides for public contribution to its proceedings. The Council is recognized by the United States Commissioner of Education and Welfare and The Council on Post-Secondary Accreditations. The Board utilizes The American Council on Education publication of a list of approved colleges each year.

Students in Pharmacy are required to complete a five (5) year course of study in an accredited or approved college or school of pharmacy. The curricula embraces demanding courses of study in Chemistry, Physics, Biology, Mathematics, Pharmacy Pharmacology, Business Administration and in The Humanities. The student must complete an internship program of minimum of 1500 hours under a qualified preceptor approved by The Board. The internship program provides a balance between actual competence and the formal educational proficiency of the student.

The Board adopts the NABP licensure examination (NABPLEX) to examine the candidates for licensure to practice pharmacy in the Commonwealth. The facilities for conducting the examinations are provided by the Massachusetts College of Pharmacy and Allied Health Sciences and Northeastern University College of Pharmacy at no cost to the Commonwealth. The proctors are supplied by The Board at no additional cost to the Commonwealth.

In the early days the profession perpetuated itself by the apprenticeship system. There was no formal education involved. Practical experience and training was acquired under the tutorship of a pharmacist. Examinations are held twice a year. The examination is administered in a period of two days. The candidate is examined in the following subjects: Chemistry, Mathematics, Pharmacology, Practice of Pharmacy, Pharmacy and Pharmacy Drug Law.

Licensure through the reciprocal mechanism continues to increase due to the national trend of increased mobility of pharmacists. It also appears that the younger pharmacists are the ones who are moving the most.

The Board has been confronted on several occasions by foreign students graduates of foreign colleges but with a post graduate degree obtained from a United States Pharmacy College. The post graduate degree does not qualify a candidate for registration. The Board is aware that post graduate studies are specialized and do not involve the broad range of skills necessary the pharmacist should possess.

Foreign colleges are not accredited by the American Council on Pharmaceutical Education, since this accreditive agency has no established procedure or mechanism to visit and accredit foreign colleges of pharmacy. The Board only recognizes those schools or colleges that are accredited by The American Council on Pharmaceutical Educations.

Foreign students may apply to an accredited college in the United States for advanced standings based on credentials and transcripts received from foreign colleges.

The Board approves the concept to regulate all aspects of professional pharmacy practice including Nuclear pharmacy. The Food and Drug Administration has reviewed in detail the problems of Nuclear Pharmacy. It has drafted appropriate guidelines which it feels will aid in describing activities which will require registration as a drug establishment; as compared to those activities which it feels fall within the purview of Nuclear Pharmacy. There are approximately ten (10) states which have Nuclear pharmacies presently regulated.

There are two basic degrees granted by United States Colleges, a Bachelor of Science in Pharmacy and a Doctor of Pharmacy degree (Pharm.D.). Either degree is acceptable as a prerequisite for examination.

"The Internship Experience" a manual for pharmacy preceptors and interns became available through the National Association of Boards of Pharmacy in May of 1981. This manual is certain to become an important resource for pharmacy schools, State Boards of Pharmacy and practitioners generally. It bridges the pharmaceutical sciences and the real world of practice.

At its meeting of August 5, 1980, the Board proposed to amend the regulations pertaining to a passing grade on examination. It would require that a candidate achieve not less than seventy-five (75%) percent in the Law component of the examination, similarly to the seventy-five (75%) percent or better average in practical pharmacy. The Board recognizes the importance of the pharmacist practicing within the parameter of the laws.

On August 19, 1980, the Board reviewed the policy of licensure by reciprocity. To date the applicant who failed to pass the Massachusetts examination and who subsequently passed an examination in another reciprocal state was not allowed to reciprocate with Massachusetts. The Board required that the applicant re-take the Massachusetts Board examination. This policy was based on the fact that until recently states compiled their own examinations and the equivalency factor could not be satisfactorily measured. Since all reciprocal states currently utilize NABPLEX (an equivalent exam) the Board saw fit to change its policy. If a state does not utilize NABPLEX then equivalency must be determined by The National Council of Pharmacy Education.

On December 2, 1980 the Board approved a draft by NABP for an approved NABPLEX Score Transfer Form. This form may be used by a candidate for examination for the purpose of transferring NABPLEX scores to another state or several states of the applicant's choice. The transferred scores would be accepted by a number of states that are listed in the program. The candidate upon payment of the particular state's examination fee, is allowed to take only the requirements of practical experience and state law examination, eliminating the necessity of retaking Chemistry, Mathematics,

Pharmacology, practical and theoretical pharmacy.

The June 24 & 25, 1981 NABPLEX examination was prepared by ACT (American College Testing) of Iowa. Prior to this examination, the National Association of Boards of Pharmacy employed ETS (Educational Testing Service of New Jersey). Subsequent examinations will be prepared by ACT until such time a change is made.

MISCELLANEOUS ACTIVITIES - POLICIES - OPINIONS

A liaison committee representing the Boards of Medicine, Pharmacy and Nursing met on July 9, 1980. This committee was the result of information brought to the attention of the Health Boards relative to alleged dispensing of controlled substances by unlicensed personnel in community institutionalized settings. The problem originated from the deinstitutionalization of patients and care transferred to a community level. A need for patient safety in the administration of controlled substances needed to be addressed. It was agreed that apparent violations of the statutes existed and that the matter be referred to the Commissioner of Public Health, Dr. Alfred Frechette.

A Bureau of Voluntary Compliance (BVC) was established under the NABP Foundation.

State Boards were given the opportunity of forming a partnership with BVC in the publication of a Newsletter (Legal Update) on a quarterly basis. The Massachusetts Board made all necessary preparation so that it would publish its first Newsletter in July of 1981. The Newsletter is directed to each registered pharmacist in the Commonwealth; its purpose is to promote voluntary compliance with pharmacy laws. The advisory panel for BVC consists of Board Secretaries, Drug Enforcement Administration, Food and Drug Administration and The National Association of Boards of Pharmacy. The Newsletter is expected to achieve the following:

1. Dissemination of new regulations and legislation to everyone.
2. Provide for a uniform interpretation and expectation by the Board of the new regulations and laws.
3. Increase pharmacy input into the legislative and rule making procedures.
4. Provide legal and product information to the pharmacist.
5. Reduce compliance problems; stop little problems from becoming big problems.
6. Save the Board money in returning phone calls, writing letters, etc.
7. Publication of Disciplinary Action deters others from engaging in similar conduct.
8. Clarifies formation and purpose of Board with licensee.
9. Gives an idea of penalty for law violations.
10. An informed pharmacist is better able to meet the responsibility of his profession.

The Board held its organizational meeting pursuant to G.L. c. 13, section 23 on December 2, 1980. Eleanor M. Wernig of Middleton was unanimously elected President for the 1981 session. Mrs. Wernig was appointed to the Board as the hospital pharmacist representative on June 28, 1977 (term expires November 30, 1981). She is presently Director of Pharmacy at the New England Sinai Hospital, Stoughton.

On July 14, 1981, Harold T. Partamian of Arlington became an agent of the Board. He was appointed by the Board on a provisional basis pending a Civil Service list. Partamian filled a vacancy created by the retirement of former Board Agent, Henry Berg of Holden.

Mary Timmins was made a permanent Junior Clerk on the Board Office Staff from a part-time employee.

Drug robberies and thefts continue to constitute a very serious area of diversion. Additionally, drug thefts are becoming increasingly violent. The Board has advised the curtailment of inventories of those drugs which have a high potential for abuse. Agents are cautioned to be more alert in detecting bogus prescriptions, unauthorized refills, etc.

On May 3-7, 1981, Dr. DeNicola, Executive Secretary, Board Member, Charles F. Monahan, and agent Louis Pacifico attended the 77th Annual Meeting of the NABP in Las Vegas, Nevada. One of the above attendants was funded from the expense account (DeNicola).

Among issues of concern at the convention were Controls and Procedures in the Utilization of Supportive Personnel in Pharmacy; Updating Model Regulations for Nuclear Pharmacy in coordination with FDA Guidelines; JCAH Pharmaceutical Standards; Consultation with Practitioners etc.; advocating the voluntary drug product identification by manufacturers; encouragement of non-traditional internship programs etc.

On May 5, 1981, John Stallworth, consumer Member, delivered a presentation before The National Retired Teachers Association and The American Association of Retired Persons in Nashville, Tennessee, which was well received.

In December 1980, Louis Pacifico, Board Agent lectured during an Advanced Drug Education Course sponsored by the Massachusetts Criminal Justice Training Council. Agent Pacifico has addressed Senior students in colleges of Pharmacy on several occasions to enlighten them on the Agents activities relative to routine inspections and investigations.

On Mar. 5, 1981, Dr. DeNicola addressed the Annual Refresher Course on Pharmacy Law Update at the Massachusetts College of Pharmacy and Allied Health Sciences.

On May 1, Dr. DeNicola presented a Law Review at MCP/AHS.

On May 10, 1981, Joseph LaBelle, Board Agent addressed the Western Mass. Pharmaceutical Association on the subject "Drug Diversion from the Legal Channels of Distribution and Related Laws".

On April 29, 1981, Eleanor Wernig, accompanied by Walter Houghton, Special Agent - DEA, addressed students at the North Randolph Junior High School on the subject of drug misuse and abuse.

On April 27, 1981, Eleanor Wernig was the installing officer for the new Officers (1981-1982) of the Massachusetts Society of Hospital Pharmacists at their annual dinner.

In May 1981, Eleanor Wernig was selected to attend the Advisory Board meeting of the Roche Laboratories of Nutley, New Jersey.

On October 10, 1980, Charles Monahan was on a panel at the Forum sponsored by the FDA and Mass. Consumers' Council - "Food you Eat and Drugs You Take" - Government Center.

On October 25, 1980, The South Eastern Massachusetts Pharmaceutical Association honored Dr. DeNicola with a citation at their annual dinner.

In November 1980, Agent Joseph LaBelle assisted in the legislative session with the Governor's crime proposals.

On November 12, 1980, a Law Update was given by Dr. DeNicola at the Burlington Campus - Northeastern University College of Pharmacy.

On November 25, 1980, Dr. DeNicola was in a Panel Discussion on The Formulary Law as it relates to hospital pharmacies dispensing procedures. This took place at The Fifth Annual Educational Conference and Vendor Fair - Lantana, Randolph, presented by The Hospital Services of New England.

Dr. DeNicola addressed classes at the Pharmacy Colleges for Orientation of Students in internship, externship and licensure.

In November, 1980, Dr. DeNicola and Agent Pacifico attended the National Conference on Regulation and Inspection of Nuclear Pharmacies - Albuquerque, New Mexico.

Dr. DeNicola was re-appointed as a consultant to the Mass. Medical Society - Drugs and Therapeutics Committee. He also serves as consultant to the Massachusetts Health Council.

In December 1980, John Stallworth was selected as a member of the "National Advisory Council on Consumer Affairs".

On November 4, 1980, Eleanor Wernig, Board President was speaker at the National Association of Boards of Pharmacy Regional Meeting, District #1. - Topic was "Consumers and Educators as Pharmacy Board Members".

James Harb, was elected a fellow in The Fellow of American College of Apothecaries (FACA). The F.A.C.A. is the "Who's Who" in American Pharmacies.

LEGISLATION - REGULATIONS

August 19, 1980 - Pursuant to statute 135, Acts of 1980 and in accordance with procedures under G.L. c. 30A, the Board conducted a public hearing for the promulgation of regulations for a "Restricted Pharmacy" based on emergency regulations which were recorded with the Secretary of State and effective as of May 29, 1980. The emergency Regulations were designated 247 CMR 10.00.

Pursuant to the above hearing, the Board voted to amend 247 CMR 10.06 (6) to read:
"A restricted pharmacy shall in legible letters not less than one inch high, conspicuously display the name of the Director of Pharmacy Services in the premises".

On November 14, 1980, the emergency regulations appeared as permanent regulations in the Massachusetts Register No. 235.

On February 24, 1981, the Board approved the first application under the new entity "Restricted Pharmacy" made possible under c. 135 - Acts of 1980. The application was submitted by ILGWU Health and Welfare Fund (a trust), 33 Harrison Avenue, Boston. A temporary license had been granted pursuant to the "Emergency Law".

The Board opposed S-604 as amended. After reviewing the 121 page proposed legislation, the Board voted to oppose the bill. The Executive Secretary was instructed to appear before the Health Care Committee on Public Health hearing on April 15, 1981. This bill related to the reorganization of Health Boards. The opposition was based on the following reasons: the Board is satisfied that it is functional and productive under the present system. If there are deficiencies to be corrected or if improvements are to be made, these matters can be dealt with and resolved under the present structure. This bill would create another layer of government, adding to the spreading bureaucracy, an unnecessary and expensive superstructure. The Board's professional prerogatives would be subordinated by a Health Council composed of thirty-six members, two of which would be representatives of the Pharmacy Board. In addition, an under-secretary of Administration and Finance could over-rule a decision of the Board as a result of an adjudicatory procedure. The under-secretary would wield tremendous phases of the Board's function.

On July 3, 1980, the Department of Public Health promulgated regulations on "Dispensing Procedures for Pharmacists". These regulations appeared in the Mass. Register Issue No. 217 and recorded as 105 CMR 722.00. The new regulations were designed to define certain terms and wordings for the purpose of clarification of the language involved under the Mass. Formulary Law and the Mass. List of Interchangeable Drugs. Among the defined are "reasonably available", "emergency" and "interchangeable drugs". It also refers to areas in which the Formulary Law need not apply such as in an "emergency situation, or wherein a drug product is prescribed by generic name without specification as to the manufacturer.

The Restricted Pharmacy statute (Statute 135, 1980) amended G.L. ch. 112, by adding a new section 39A. This section permitted a "restricted pharmacy" to accept and fill prescriptions by mail, "Provided, however, that the prescribing physician is verified, according to procedures established by the Board, as licensed to practice in the Commonwealth or in any New England State". However, the Board noted that the Mass. Controlled Substances Act (G.L. ch. 94C, s. 18 (c)), permits physicians who are licensed to practice medicine in a state contiguous to Massachusetts and who are registered with the Commissioner of Public Health to issue prescriptions for controlled substances.

The Board requested an opinion of the Attorney General asking whether this latter statute limits the authority of "restricted pharmacies" to accept and fill prescriptions by mail. The opinion of the Attorney General states as follows: "It is my opinion that c. 94C does limit the practice of filling prescriptions by mail and that restricted pharmacies may accept and fill by mail prescriptions issued only by those physicians registered with the Commissioner of Public Health in accordance with G.L. c. 94C, s. 18 (c)".

The opinion further states that the restricted pharmacies are permitted to accept and fill by mail prescriptions received from physicians verified according to procedures established by the Board, to be licensed to practice in Vermont, New Hampshire, Rhode Island and Connecticut who are registered by the Commissioner pursuant to G.L. c. 94C, s. 18 (c). Note that the states of New York and Maine are excluded. The opinion of the Attorney General was dated May 20, 1981.

There has been a realignment of fees and changes for pharmacists renewal and drugstore permits. The following statutory changes have taken place:

1. Pharmacist Renewal, biennial fee \$50.00, effective date: 12/31/80
(Statutory reference G.L. c. 112, s. 24A).
2. Drugstore Permit, biennial fee \$100.00, effective date: 6/15/81
(Statutory reference G.L. c. 112, s. 39).

Imminent fee changes are expected for the following fees also: pharmacist re-examination, Certificate of Fitness, Wholesale Druggist, Certified Statement and Duplicate Certificate.

Statute 261, 1980 approved 6/11/80 amended Chapter 111, section 25H by renumbering the section to 25I. Under this section the Commissioner by rules and regulations may provide that either a resident or consultant pharmacist in a health care facility may return to the pharmacy from which it was purchased any unused medication provided that such medication is sealed in unopened, individually packaged units and such medication is not a controlled substance as defined in chapter 94C. Such Rules and Regulations shall permit the pharmacy to which such medication is returned to restock and redistribute such medication, and shall be required to reimburse or credit the purchaser for any such returned medication.

TABLE I

TITLE PURPOSE OF FEE	GEN LAW CHAPTER	AMOUNT OF INDIVIDUAL FEES	TERM PERIOD	YEAR SET	FEE AMOUNT SET BY	TYPE OF FEES (PURPOSE)	FEE DEPOSITED IN STATE FUND	TOTAL NO. OF FEES - FIS.YR. 1981	TOTAL AMOUNT FOR FIS.YR 1981
PHARMACIST									
EXAMINATION	112	\$ 50.00		1981	STATUTE	LICENSE	GENERAL	\$ 15,300.00	306
RE-EXAMINATION	112	\$ 50.00		1981	STATUTE	LICENSE	GENERAL		
RECIPROCITY	112	\$ 50.00		1972	STATUTE	LICENSE	GENERAL	4,000.00	80
RENEWAL	112	\$ 50.00	2 YR	1980	STATUTE	LICENSE	GENERAL	335,530.00	6710
RE-INSTATEMENT	112	\$ 5.00		1956	STATUTE	LICENSE	GENERAL	1,035.00 *	67
CERT. OF FITNESS	112	\$ 25.00	2 YR	1964	STATUTE	PERMIT	GENERAL	3,350.00	134
WHOLESALE DRUGGIST	112	\$ 100.00	1 YR	1972	STATUTE	LICENSE	GENERAL	6,600.00	66
DRUG STORE	112	\$ 35.00	2 YR	1972	STATUTE	PERMIT	GENERAL	9,170.00	262
CONTROLLED SUBSTANCES									
HOSPITAL	94C	\$ 25.00	2 YR	1972	STATUTE	LICENSE	GENERAL	275.00	11
WHOLESALE	94C	\$ 25.00	1 YR	1972	STATUTE	LICENSE	GENERAL	1,650.00	66
DRUG STORE	94C	\$ 25.00	2 YR	1972	STATUTE	LICENSE	GENERAL	3,400.00	135
CERTIFIED STATEMENT	112	\$ 1.00		1972	STATUTE	SERVICE	GENERAL	302.00	302
DUPLICATE CERTIFICATE	112	\$ 5.00		1941	STATUTE	SERVICE	GENERAL	60.00	12
Miscellaneous								25.00	

* Total fee cannot be directly related to number of licenses issued.

\$ 380,697.00

REVENUE
ACCOUNT NO. 1407-40-01-40

TABLE IIEXPENDITURES

EXECUTIVE SECRETARY - Salary	\$ 22,479.08
AGENTS - Salaries	68,968.84
BOARD MEMBERS - Salaries	5,250.00
TOTAL SALARIES	\$ 96,697.92
REPAIRS - Automotive	43.90
REPAIRS - Accounts Payable	28.94
TRAVEL EXPENSE - Members and Agents	6,097.39
TRAVEL - Accounts Payable	1,652.04
AUTO RENTALS - Agents	1,467.59
AUTO RENTALS - Accounts Payable	756.84
OFFICE EXPENSE - From Appropriation of Director of Registration	13,547.17
OFFICE EXPENSE - Accounts Payable	11,420.26
OFFICE PERSONNEL SERVICES	27,684.84

TOTAL EXPENSES	\$ 159,396.89

TABLE III

DISCIPLINARY ACTIONSREPRIMANDS PROBATIONS SUSPENSIONS REVOCATIONS

September 16, 1980 - Francis S. Kitsis - Belmont

Alleged Violations: Violation of G.L. c. 94C, s. 15, (improper record-keeping) and c. 94C, s. 32 (unlawful distribution of controlled substances).

Disposition - Revocation of registration for three (3) years.

January 9, 1981 - Joseph Segal - Canton

Alleged Violations: Assessment of the ability to continue to function as a pharmacist on a complaint that he was handicapped as a result of a medical problem.

Disposition - Revocation until such time that he submits to the Board satisfactory proof that he has returned to full professional competence.

February 3, 1981 - Donald J. Saulnier - New Bedford

Alleged Violations: G.L. c. 112, s. 61, (misconduct in the practice of the profession).

Disposition: Placed on probation for a period of one (1) year.

February 3, 1981 - Alexander Liakas - Dracut

Alleged Violations: Violation of G.L. c. 112, s. 61, (Misconduct in the practice of the profession).

Disposition - Placed on probation for a period of two (2) years.

March 10, 1981 - Maurice Blonder - Chelsea

Alleged Violations: Violation of c. 94C, s. 32, (Illegal distribution of controlled substances).

Disposition: Revoked.

March 10, 1981 - Thomas Bourque - West Springfield

Alleged Violations: In violation of c. 94C G.L., s. 32 (illegal distribution of controlled substances) G.L. c. 112, s. 61, (Gross misconduct and malpractice in the practice of his profession) c. 94C, s. 15 (Failure to keep proper records).

Disposition: Registration revoked and revocation stayed for ninety (90) days during which time the business is to be sold or liquidated. (Shall not petition the Board for reinstatement for a period of not less than five (5) years.

April 14, 1981 - Paul J. Lariviere - Mattapoisett

Alleged Violations: In violation of c. 112, s. 61 G.L. (Misconduct in the practice of the profession).

Disposition: Placed on probation for a period of three (3) years.

III

DISCIPLINARY ACTIONS

(Continued)

April 14, 1981 - Judith Leoni - Clinton

Alleged Violations: In violation of c. 94C, s. 37 G.L. (Theft of a controlled substance), c. 94C, s. 32, (Unlawful distribution of a controlled substance) and c. 112, s. 29, (a menace to the public by reason of the improper use of drugs.

Disposition: Registration suspended for a period of one (1) year and two (2) years probation beyond suspension period if reinstated. (Reinstatement on the condition that respondent present adequate documentation that she be free of drug dependency and must pass an examination in Pharmacy Law).

May 15, 1981 - Paul Zammarelli - Auburn

Alleged Violations: In violation of c. 112, s. 12D and 112, s. 61 G.L. (Illegal substitution and malpractice in the practice of the profession.

Disposition: A strong reprimand and directed to review Formulary Law.

TABLE IVMISCELLANEOUS - STATISTICAL DATA - FISCAL - 1981

1. Number of candidates examined January 1981 -	119
2. Number of candidates examined June 1981 -	238
3. Number of candidates registered by examination -	301
4. Of candidates registered in fiscal 1981 - (Women)	39%
5. Changes of Managers in Retail Pharmacies -	114
6. New Retail Pharmacies registered -	46
7. Changes of Ownership - Retail Pharmacies -	55
8. Relocated Pharmacies -	9
9. Retail Pharmacies Terminated -	72
10. New Wholesale druggists (Limited Licenses) -	2
11. Number of meetings held by Board -	25
12. Number of hearings held by Board on Applications for New Drugstores -	36
13. Number of Hearings on Violations -	35
14. Number of hearings for Wholesale Druggists Licenses -	2
15. Number of Hearings on Reinstatements -	7
16. Number of Reinstatements Denied -	2
17. Applications for Reciprocity Denied -	1
18. Applications for New Drugstores Denied -	0

TABLE IVMISCELLANEOUS - STATISTICAL DATA - FISCAL - 1981(Continued)19. Diversion of Controlled SubstancesA. Community Pharmacies

1. Break/Entry	161
2. Armed Robbery	141
3. Employee Theft	7
4. Customer Theft	11
5. Lost in Transit	15
6. Other	<u>29</u>
Total -	364

B. Hospital Pharmacies

1. Break/Entry	11
2. Armed Robbery	4
3. Employee Theft	18
4. Patient Pilferage	1
5. Lost in Transit	2
6. Other	<u>19</u>
Total -	55

20. Licensed pharmacists as of December 31, 1980 (in and out of state) -	8456
21. Total Licensed pharmacists within the State -	7656
22. Total Employed in Pharmacies -	3974

(Remainder in the following categories: - Manufacturing, Wholesale, Teaching, Medical Representatives, Retired - Other Pharmaceutical capacities).

TABLE V

REGISTRATIONS ISSUED PHARMACISTS BY RECIPROCITY WITH OTHER STATES

Alaska	1
Connecticut	7
Georgia	1
Illinois	1
Maine	5
Maryland	1
Michigan	1
Minnesota	1
Mississippi	1
Missouri	2
Nebraska	2
Nevada	2
New Hampshire	22
New York	4
Ohio	1
Pennsylvania	4
Rhode Island	7
South Carolina	2
Texas	2
Vermont	1
Virginia	3
<hr/>	
Total	71

One Hundred Twenty-Seven (127) Reciprocated from Massachusetts to other States.

TABLE VILICENSING STATISTICS FOR THE STATE OF MASSACHUSETTS

<u>YEAR</u>	<u>NUMBER OF APPLICANTS EXAMINED</u>	<u>NUMBER FAILED</u>
1969	186	25
1970	168	9
1971	174	10
1972	168	12
1973	136	25
1974	160	29
1975	243	31
1976	284	38
1977	410	125
1978	408	99
1979	384	61
1980	416	65

BY ORDER OF THE BOARD:

Romulus L. DeNicola

Romulus L. DeNicola, Pharm. D.
Executive Secretary

